
Appeal Decision

Site visit made on 29 March 2022

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2022

Appeal Ref: APP/T0355/W/21/3283935

5-7 MSL House, High Street, Sunninghill, Ascot SL5 9NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Littlefields Limited against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 21/01843, dated 10 June 2021, was refused by notice dated 15 September 2021.
 - The development proposed is erection of replacement roof with new dormers and conversion of roof space to form 4no. one bedroom apartments.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The applicant submitted new evidence relating to a Section 106 Agreement. Given this is a potentially legally binding document, it has been accepted accordingly.
3. The site is located within the Thames Basin Heaths Special Protection Area's (SPA) zone of influence. Consequently, the proposal has been considered in the context of statutory duties set out within the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) and dealt with later in my decision.
4. A Screening Direction issued under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) established that the development is not EIA development, and the appeal has been considered accordingly.
5. Following the determination of the original application, the Council adopted the Borough Local Plan 2022. The parties will have had an opportunity to address any implications of the adoption in their statements submitted with the appeal. In this context, a particular dispute was raised involving climate change, and this has been treated as a main issue under the appeal.

Main Issues

6. The main issues are the effect of the proposal on:
 - (a) the character and appearance of the area; and
 - (b) climate change.

Reasons

Character and Appearance

7. The site is at 5-7 MSL House and located towards the western side of High Street in Sunningdale and within an area designated as a Victorian village of particularly good condition. The Victorian village's character and appearance is principally derived from a number of modest two storey Victorian era buildings which together create a distinct street scene as set out within the Royal Borough of Windsor and Maidenhead Townscape Character Study 2010.
8. 5-7 MSL House is of modern 1970's construction and is an otherwise nondescript building that makes a limited contribution to the Victorian village street scene. The proposal would replace the existing roof, change the use of the first floor to residential apartments and introduce dormer windows to the front and rear elevations.
9. Whilst the replacement roof would increase the scale of the building, the increase of around one metre in height would be modest in and of itself. Furthermore, when taken together with other buildings in the vicinity, such as buildings at 1-3 High Street¹ and No.9 High Street, it is clear that the increase in scale would not be overly prominent in the street scene.
10. Similarly, the dormer windows would be modest in size and would sit comfortably within the roof space, set in from the ridge and eaves. Consequently, in conjunction with the existing staggered nature of the building line, they would achieve a degree of subservience and would not be overly prominent within the street scene either. There are also other examples of dormer windows within the area to avoid any feeling of discordance.
11. I am cognisant of Principle 7.7 of the Borough Wide Design Guide Supplementary Planning Document 2020. However, it is clear that the prevailing character is underpinned by the Victorian village, and the host building is of modern construction and with which the proposal would conform without being overly prominent.
12. Overall, the proposal would preserve the character and appearance of the area and would not conflict with Policy QP3 of the Borough Local Plan 2022 or Policies NP/DG1, NP/DG2 and NP/DG3 of Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2014 or Principles 7.6 and 7.7 of the Borough Wide Design Guide Supplementary Planning Document 2020.

Climate Change

13. Policy SP2 of the Borough Local Plan 2022 is clear that all developments should demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. It is also clear based on the evidence provided by the Council that the delivery of this policy is intrinsically linked with the Environment and Climate Strategy 2020 and the Interim Sustainability Position Statement 2021, which are other material considerations.

¹ the original appearance of which has been modernised through significant extension.

14. I am open to the possibility that a degree of compliance with Policy SP2 could potentially be secured by condition, by requiring appropriate specification of materials to be submitted for approval, among other things. However, given the Council's position, it is not clear that a condition would secure comprehensive compliance with Policy SP2.
15. For example, the Interim Sustainability Position Statement 2021 sets out that it would be necessary for new residential development to provide planning obligations to offset climate change impacts, amongst detailed reporting on energy efficiency measures and other things that may be central to how the proposal is designed. Consequently, a condition would not be an appropriate mechanism to secure full compliance in this context.
16. I recognise the appellant's contentions about potentially difficult timings associated with the adoption of the development plan and the stages of the appeal. Whilst the Council may not have been explicit in their appeal statement about the need for contributions, policy requirements tied to climate change can clearly be identified from the evidence provided and I am required to make my decision in accordance with the development plan.
17. Altogether, the proposal is not supported by the necessary planning obligations or other detailed reporting, and I cannot conclude that there would be an acceptable effect on climate change. Consequently, the proposal would conflict with Policy SP2 of the Borough Local Plan 2022 and supporting material considerations therein.

Other Matters

18. The site is within the zone of influence of the Thames Basin Heaths SPA. However, given that I am dismissing the appeal for other reasons it is not necessary for me to make a finding on the likely significant effects of the proposal.
19. The Council can demonstrate a five year housing land supply following the adoption of the Borough Local Plan 2022. Consequently, the Paragraph 11(d) of the Framework is not engaged for the purposes of the appeal.

Conclusion

20. Whilst the proposal would be acceptable in relation to character and appearance, it would conflict with climate change policy and the development plan as a whole. Consequently, for the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR